

Senate Bill 267

By: Senators Unterman of the 45th, Grant of the 25th, Balfour of the 9th and Bulloch of the 11th

AS PASSED

AN ACT

To amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules of the road, so as to provide for annual renewal of certain parking permits for disabled persons; to provide for the certain specifications for such permits; to require that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules of the road, is amended by striking Code Section 40-6-222, relating to parking permits for persons with disabilities, and inserting in lieu thereof a new Code Section 40-6-222 to read as follows:

40-6-222.

(a) The Department of Motor Vehicle Safety shall issue parking permits for persons with disabilities at every place where it issues drivers licenses. The department shall also receive applications for and issue parking permits for persons with disabilities by mail and shall by regulation require such proof of disability or incapacity as is necessary to issue such permits by mail. Permits shall be in such form as the department prescribes but shall be of sufficient size and sufficiently distinctively marked to be easily visible when placed on or affixed to the driver s side of the dashboard or hung from the rearview mirror of the parked vehicle. Permits shall be made of plastic or heavyweight cardboard and shall be of sufficient quality to ensure that the coloring of the permit and the ink used thereon will resist fading for a period of at least two years. Permits shall be issued to individuals, and the name of the individual and an identification number shall appear on the permit. The individual to whom a permit is issued may use the permit for any vehicle he or she is operating or in which he or she is a passenger. Permits shall also be issued to institutions when the primary purpose of a vehicle operated by the institution is to transport individuals

with disabilities. The name of the institution, the license number of the particular vehicle, and an identification number shall appear on the permit. The institution may use such permit only for a vehicle which is operated by the institution and which is used primarily to transport individuals with disabilities.

(b) The department shall issue a temporary permit to any temporarily disabled person upon presentation of an affidavit of a practitioner of the healing arts stating that such person is a temporarily disabled person, the specific disability that limits or impairs the person's ability to walk or that he or she is a person with disabilities as specified in subparagraph (G) of paragraph (5) of Code Section 40-6-221, and a date until which such person is likely to remain disabled. The temporary permit shall be predominantly red in color and shall show prominently on its face an expiration date the same as the date specified by the physician for the likely termination of the disability, which date shall not be more than 180 days after the date the permit is issued. The expiration date shall be printed in a size of print that is legible when the permit is hung from the rearview mirror or displayed on the driver's side of the dashboard.

(c) The department shall issue a permanent permit to any person who is obviously permanently disabled and to any other permanently disabled person upon presentation of an affidavit of a practitioner of the healing arts stating that such person is a permanently disabled person. The affidavit shall further state the specific disability that limits or impairs the person's ability to walk or that he or she is a person with disabilities as specified in subparagraph (G) of paragraph (5) of Code Section 40-6-221. The department shall also issue a permanent permit to an institution which operates vehicles used primarily for the transportation of individuals with disabilities, upon presentation of a certification from the institution regarding use of its vehicles. The institution shall receive permits only for the number of vehicles so used and shall affix the permits to the driver's side of the dashboards of such vehicles. The permanent permit shall vary in color from one period to the next renewal period, but shall not be predominately red in color and shall show prominently on its face an expiration date two years from the date it is issued. The expiration date shall be printed in a size of print that is legible when the permit is hung from the rearview mirror or displayed on the driver's side of the dashboard.

(d) Any individual to whom a specially designated disabled veteran's license plate has been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to whom a specially designated disabled person's license plate has been issued pursuant to Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the specially designated license plate is attached in a parking place for persons with disabilities

without the necessity of obtaining a parking permit for persons with disabilities pursuant to this part.

(e) The department shall issue a special permanent permit to any person who:

(1) Because of a physical disability drives a motor vehicle which has been equipped with hand controls for the operation of the vehicle's brakes and accelerator; or

(2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.

This special permanent permit shall vary in color from one period to the next renewal period but shall not be predominately red in color and shall show prominently on its face an expiration date two years from the date it is issued. The expiration date shall be printed in a size of print that is legible when the permit is hung from the rearview mirror or displayed on the driver's side of the dashboard. Such a special permit may be used in the same manner as, and shall be subject to the provisions of this part relating to, other permanent parking permits for persons with disabilities and may also be used as provided in Code Section 10-1-164.1. In addition to any other required printing, the following shall be printed upon this special permit:

'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any owner or operator of a gasoline station that sells full-service gasoline at one price and self-service at a lower price shall provide the service of dispensing gasoline at the self-service price for the holder of this special permit when such holder requests such service and is the operator of the vehicle and is not accompanied by another person 16 years of age or older who is not mobility impaired or blind.'

SECTION 2.

Said chapter is further amended by striking Code Section 40-6-226, relating to offenses and penalties, and inserting in lieu thereof a new Code Section 40-6-226 to read as follows:

40-6-226.

(a) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place for persons with disabilities unless there is displayed on the driver's side of the dashboard or hung from the rearview mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities or unless there is attached to the vehicle a specially designated license plate for disabled veterans or other disabled persons authorized under subsection (d) of Code Section 40-6-222 and unless such person is the person to whom such permit or license plate was issued; the person to whom such permit or license plate was issued is a passenger in the vehicle; or such vehicle is being used for the transportation of disabled passengers on behalf of the institution to which such permit was issued.

(a.1) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place for persons with disabilities which is designated 'For Persons With Disabled Ambulatory Assistive Devices Only' unless:

(1) There is displayed on the driver's side of the dashboard or hung from the rearview mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities or unless there is attached to the vehicle a specially designated license plate for disabled veterans or other disabled persons authorized under subsection (d) of Code Section 40-6-222; and

(2) A person with disabilities who is using a wheelchair, crutches, walker, or other ambulatory assistive device is the driver of or a passenger in such vehicle.

(b)(1) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place for persons with disabilities except for the purpose of allowing a disabled person to enter or get out of such vehicle while in such parking place. However, nothing in this paragraph shall prevent an ambulance or emergency vehicle from stopping in a parking place for persons with disabilities.

(2) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place for the nonambulatory as provided by a business pursuant to the provisions of Code Section 40-6-225 except for the purpose of allowing a nonambulatory permanently disabled person to enter or get out of such vehicle while in such parking place. However, nothing in this paragraph shall prevent an ambulance or emergency vehicle from stopping in a parking place for the nonambulatory.

(3) It shall be unlawful for any person to stop, stand, or park any vehicle in any area directly connecting with a parking place for persons with disabilities which area is clearly designed and designated for access to such parking place for persons with disabilities.

(c) It shall be unlawful for any person to obtain by fraud or counterfeit a parking permit for persons with disabilities.

(c.1) It shall be unlawful for any person to knowingly and willfully make a false or misleading statement in an application for a parking permit for persons with disabilities or in the affidavit of a practitioner of the healing arts stating that an applicant is a disabled person.

(d) It shall be unlawful for any person or institution, other than the one to whom a parking permit for persons with disabilities or specially designated license plate for the disabled person is issued, to make use of a parking permit for persons with disabilities or specially designated license plate for a disabled person unless the person to whom such permit or license plate was issued is a passenger in such vehicle. It shall be unlawful for any person

to use a parking permit for persons with disabilities for any institutional vehicle other than the vehicle for which the permit has been issued. It shall be unlawful for any person to use a parking permit for persons with disabilities issued to an institution for any purpose other than to transport disabled persons.

(e) No person shall park a vehicle so as to block any entrance or exit ramp used by persons with disabilities on public or private property.

(f)(1) Any person violating subsection (c) or (c.1) of this Code section shall be guilty of a misdemeanor.

(2) Any person violating subsection (a), (a.1), (b), (d), or (e) of this Code section shall be subject to a fine of not less than \$100.00 and not more than \$500.00.

(g) In addition to the penalties provided for in subsection (f) of this Code section, any vehicle which is illegally parked in a parking place for persons with disabilities which is marked by a sign bearing the words 'Tow-Away Zone' as described in paragraph (3) of Code Section 40-6-221 on public or private property may be towed away or caused to be towed away by a proper law enforcement agency or the official security agency of said property at the expense of the owner of the vehicle or, if the vehicle is leased or rented, at the expense of the person responsible for payment on the lease or rental agreement.

(h) A property owner who is required to provide parking places for persons with disabilities shall designate each such place with a sign meeting the applicable requirements specified therefor by paragraph (3) of Code Section 40-6-221 and upon failure so to designate each such parking place for persons with disabilities shall be subject to a fine of \$150.00 for each place which is not so designated; provided, however, that the fine will be waived if the required designation is made within 14 days from the date of citation. If that property owner fails or refuses to designate properly the parking places for persons with disabilities within such 14 days, the property owner shall, on the fifteenth day after receiving the citation, be subject to the \$150.00 fine for each place and an additional \$5.00 fine for each place for each day that the owner fails to comply with provisions of this subsection until the places are properly designated. All fines assessed under this subsection shall be paid into the treasury of the city or county issuing the citation against the owner.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.